UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

          Plaintiff,

                                                Case No. 07-CR-20546-1

vs.

                                                HON. GEORGE CARAM STEEH

JOSEPH COSTA PACHECO III,

          Defendant.

_____/

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION FOR RETURN OF PROPERTY [#101]

This matter is before the court on defendant Mr. Pacheco's motion for return of property seized during the execution of a consensual search of his vehicle and home. The court has been informed that since defendant's conviction was affirmed by the Sixth Circuit, the FBI has attempted to return defendant's personal property to his girlfriend, Stacy Waak. FBI agents visited Ms. Waak's home, but she was not present. The agents left a card for Ms. Waak to contact them, but she has not done so. The FBI tried to obtain Ms. Waak's contact information from defendant's stand-by counsel, Seymour Berger, but he does not have any information for Ms. Waak.

Defendant's motion for return of property is granted insofar as the government must make the property reasonably available to Stacy Waak if she arranges to pick it up. Defendant's request that the property be delivered to Ms. Waak at some remote location is denied as unreasonable.

Among defendant's personal property seized during his arrest is $537.00 in cash. The government shall pay the seized cash, which is acknowledged to belong to defendant,

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to the Clerk of the Court to be applied to his financial obligations as defined in the Judgment dated January 12, 2010. The cash will first be applied to the balance of defendant's special assessment, and the remainder will be applied to the restitution principal.

IT IS SO ORDERED.

Dated: August 22, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and
Joseph Pacheco #42093-039, FCI Terre Haute,
P.O. Box 33, Terre Haute, IN 47808
on August 22, 2012, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk